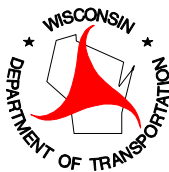


# **Pretrial Intoxicated Driver Intervention Grant Program**

## **Annual Evaluation Report**

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# **Pretrial Intoxicated Driver Intervention Grant Program**

## **Introduction**

The statutory name for this effort is Pretrial Intoxicated Driver Intervention Grant Program. A more familiar name to those directly involved with this effort is Pretrial Intensive Supervision Program. That is the identifier this report will use.

In Wisconsin, the Pretrial Intensive Supervision Program (ISP) model has shown great promise as an effective way to reduce OWI recidivism. The Pretrial ISP is an intervention program designed to get the offender into counseling, treatment and monitoring as soon as possible after the arrest and before conviction. The theory is that the effectiveness of intervention efforts increases as the time between the unwanted behavior and resulting legal sanctions decreases. This early intervention and monitoring prior to conviction/sentencing is what makes Wisconsin's Pretrial ISP model unique.

This report describes the ISP programs currently operating in Wisconsin and evaluates their effectiveness at reducing the recidivism rate of the OWI offenders who successfully complete the programs.

## **Background**

In 2000, 38,319 individuals were arrested in Wisconsin for Operating While Intoxicated (OWI). In 2000, repeat offenders (i.e. drivers with at least one prior OWI conviction) represented 35.9% (10,974) of all OWI offenders; most of these repeat OWI offenders (6,081) were second offenders.

Historically, Wisconsin, like most states, has relied on a mix of fines, driver license sanctions, and incarceration to penalize convicted drunk drivers. In fact, state law requires that all repeat OWI offenders spend at least five days in jail as part of the punishment for the offense. Some repeat offenders also have sanctions placed on their vehicles (e.g. seizure, immobilization, or installation of ignition interlock devices). However, experience has shown that the current array of penalties does not effectively alter drinking and driving behavior for all individuals with alcohol-related problems.

Before 1990, there were few alternatives to legal sanctions that could be used to modify the behavior of individuals believed to be at risk of a repeat alcohol-related driving offense. Since then, however, a variety of innovative public policies have been designed that, through education and rehabilitation, attempt to change the drinking and driving behavior of persons convicted of an OWI offense. Many of these efforts emphasize intervention as early as possible in an individual's drinking and driving career.

The Pretrial ISP model was introduced in Wisconsin in 1993, when Milwaukee County received federal Section 410 Alcohol Incentive Grant funding through the Wisconsin Department of Transportation (WisDOT) to establish a pilot pre-trial intensive supervision program for repeat

drunk drivers. The objectives of the program were to make the community safer by reducing OWI recidivism and the costs associated with incarceration of the offenders.

The Milwaukee County ISP program was evaluated in 1996 by the Mid-America Research Institute in a study sponsored by the National Highway Traffic Safety Administration (NHTSA). The evaluation determined that the program reduced recidivism among program participants by about one-half compared to repeat offenders who did not participate in the program. Cost savings for jail facilities and the reduction in recidivism were other noteworthy benefits of the Milwaukee County ISP program, and it was considered to be a successful model that other communities across the nation should emulate.

Since that time, continued federal Section 410 funding and new state funding administered by WisDOT has enabled several other Wisconsin counties to develop and implement their own versions of the Pre-Trial ISP program model. Three of these programs (in Kenosha, Eau Claire, and Marathon Counties) began operation in 1998. A fourth ISP program, in Waukesha County, became fully functional in April 1999. Two additional ISP programs, in Chippewa County and a three-county cooperative effort in Forest, Vilas, and Oneida Counties, started up in early 2000. Racine County began its ISP program in July 2000. Four other counties (Portage, Trempealeau, Sheboygan and LaCrosse) are on the WisDOT waiting list for sufficient federal and state funding to begin their own ISP programs.

To implement a new ISP program and qualify for state funding, a county must be willing and able to contribute a local portion of the necessary funding, which could include program revenues from client fees, funding from county or municipal budgets, or funding from other local public or private sources. The local portion of program funding is supplemented according to a cost-sharing formula with funds allocated to the Pretrial ISP statewide support program by WisDOT from available federal Section 410 funding and from a state-funded grant program specifically created for ISP programs by the Wisconsin Legislature in the 1997-99 state budget.

As shown in Table 1, in the first year of ISP program operation, the local share of program revenues must meet at least 25% of the cost of the program. The remaining 75% non-local funding share is split between available federal and state funding sources.

**TABLE 1: Annual ISP Program Funding Source Allocation Schedule**

	<b>Local Funding Share</b>	<b>Federal and State Funding Share</b>	<b>Federal and State Funding Split</b>	
			<b>Federal Section 410 Funding</b>	<b>State ISP Grant Program Funding</b>
Year 1	25%	75%	67%	33%
Year 2	30%	70%	50%	50%
Year 3	35%	65%	33%	67%
Year 4	50%	50%	0%	100%

Currently, WisDOT provides first year non-local funding via two-thirds federal Section 410 funds and a matching one-third share with Wisconsin ISP Grant Program funds. In the second year of funding, the local share increases to 30%, while the remaining 70% non-local share is

split 50/50 between federal and state sources. By the fourth year of operation, there is no federal funding involved, and the local and non-local shares are split 50/50, with 100% of the non-local share coming from available Wisconsin ISP Grant Program funds.

## **Wisconsin's Intensive Supervision Programs**

All ISP programs in Wisconsin have implemented similar models of intervention for repeat OWI offenders within the context of pre-trial services. In summary, each ISP program possesses these core elements:

- Centralized screening, review, and assessment of repeat OWI cases by program caseworkers in coordination with the District Attorney and the courts
- Provision for a period of community supervision of repeat offenders from the time of arrest and formal charging through final adjudication
- Development and coordination of an array of interventions for the offender while under community supervision (e.g. alcohol/drug abuse treatment, periodic breath tests and urine analysis, attendance at victim impact panels, and a coordinated alcohol and other drug abuse assessment and evaluation process)

While similar to each other in these core elements, each of the county ISP programs are different in ways designed to best fit the needs, abilities and interests of the clients, social service agencies, prosecutors, and courts in their communities.

The following brief description of each of Wisconsin's existing ISP programs illustrates these important similarities and differences. The ISP programs are described in chronological order by their start up dates.

### **Milwaukee County**

Wisconsin Correctional Service (WCS), a private non-profit social service agency, has administered the Milwaukee County Pretrial Intoxicated Driver Intervention Program since the program began in 1993.

Participants enter the Milwaukee ISP program either voluntarily or by court referral or order. In the early years of program operation, all client admissions were voluntary participants, but now the majority of participants are mandated by the courts to participate in the program as a condition of release from custody.

Not every second or subsequent OWI offender participates in the program. Only offenders who have committed a second or subsequent OWI offense; who have been released on bail or on personal recognizance; and who have not been charged with a more serious offense, are permitted in the program. If an individual is detained pending an intake court appearance, referral to the program can occur through the Pretrial Service Central Intake Unit. More frequently, however, the Intake Traffic Court or the first appearance in court will generate their entry into the program.

Participants remain in the program until final adjudication of their OWI case. Program length is based on the time it takes for the case to reach final adjudication. This is normally around 90 to 120 days following arrest, but may be shorter or longer depending on the circumstances of the case and the court calendar. Many clients continue to check into the program once they begin serving work release time at the Community Correctional Center. On average, there are 60 new admissions every month.

Once admitted to the ISP program, an alcohol and drug abuse (AODA) needs assessment must be conducted. Defendants who are covered by private insurance are referred directly to their healthcare provider to conduct the assessment and to determine the level of treatment that will be covered. Indigent or uninsured defendants are referred to IMPACT, Inc. for AODA assessment. IMPACT, Inc. will then issue a voucher to a county-funded healthcare provider so treatment can begin.

Defendants are initially scheduled for two office visits per week with their case manager. They are subject to random drug testing, and they receive referrals to community based treatment and any other supportive services that will minimize behavior that could lead to re-arrest or failure to appear at a scheduled court hearing. If the client is compliant, the required office visits are reduced to once a week.

The treatment modality depends on the assessment by the healthcare provider or IMPACT, Inc. Some defendants enter inpatient or residential treatment followed by outpatient care. Most are provided a combination of individual and group outpatient sessions for a term limited by the insurance. Treatment can also include the use of Antabuse, a drug that will produce severe adverse reactions if the person consumes alcohol. To date, Victim Impact Panels have not been conducted in Milwaukee County.

Should a program client miss an appointment, they are telephoned to determine the reason the appointment was missed. If the phone call does not lead to contact, then the client is mailed a letter telling them to contact their caseworker immediately. If appointments are not kept or program conditions are not met, program staff may ask the court to admonish and warn the client. Reports on program compliance are filed with the court of jurisdiction at every scheduled event. Missed appointments and positive drug tests are reported as they occur. Milwaukee County allows for the possibility of issuing a bench warrant if the participant fails to appear for trial or sentencing.

The Milwaukee ISP program maintains a client database that records all activity, cases, court appearances and arrests as they occur. Case dispositions are entered as well as referrals and treatment outcomes. The cases are closed shortly after sentencing. If a subsequent arrest for OWI occurs, the client's new charge is added to his/her history in the database.

The ISP program continues to enjoy support from the Milwaukee Circuit Court judges who cite the program as one of the most important resources the courts have for dealing with repeat OWI offenders. Treatment providers are also supportive. They realize that program supervision of clients results in better treatment compliance. When Mothers Against Drunk Driving (MADD) was active in Milwaukee, the group was also supportive of the program and was involved in

promoting the initial pilot project. The program also gets annual financial support from Miller Brewing Company.

## **Kenosha County**

Since April 1998, under the direction of the Kenosha County Circuit Court, Wisconsin Correctional Services (WCS) has administered the county's Pretrial Intensive Supervision program. As a result, this program is very similar to Milwaukee's ISP program.

Not all second and subsequent OWI offenders participate in the ISP program. Kenosha County only admits offenders who have one or more prior OWI convictions (second or subsequent offenders) within the last ten years and who have no current pending felony charges for violent offenses.

Shortly after the defendant is arrested, a postcard is sent, informing them of the project:

### ***ATTENTION***

*You have been charged with a second or subsequent Operating While Intoxicated. OWI is a criminal offense in the State of Wisconsin.*

*The WCS-Repeat Offender Project can assist you and your attorney.*

*You should come to 1000 55<sup>th</sup> Street, Public Safety Building, Room 210 or call for more information at (262) 605-5095.*

The Kenosha ISP program allows defendants to enter voluntarily, but few respond to the postcards. However, the court may dictate participation for the defendant as a condition of their release. Defendants may be released without bail, on a personal recognizance bond, or on bail, with the stipulation to cooperate with the pre-trial supervision program.

Offenders must report immediately after being court ordered. Offenders are encouraged to become involved with their Driver Safety Plan and treatment plan soon after they are charged. After the defendant attends their first appointment, they are considered a program "participant."

The Kenosha ISP program recommends that repeat offenders complete an alcohol and drug abuse (AODA) assessment before the first court hearing. Under Wisconsin law, whenever an OWI defendant is convicted, they are mandated to complete the AODA assessment. By undergoing this program-related assessment voluntarily early in the post-arrest process, the offender has an incentive to receive treatment before the adjudication of their case. This participation allows the judge to take program participation into consideration at the time of sentencing. It also gives the defendant earlier insight to their alcohol problem.

The AODA assessment interview collects information regarding the defendant's employment background, use of alcohol and drugs, treatment history, and family information. Information is

also gathered on the individual's past driving record and prior contacts with the criminal justice system. A supervision plan is then developed based on the background and assessment information.

The Kenosha County ISP program requires the defendant to report on a random basis to the program provider. This is usually no less than one time per week. While in the program, participants are subject to random drug tests and must attend Victim Impact Panels organized by Mothers Against Drunk Driving (MADD).

Keeping track of repeat offenders is done each workday. A program caseworker reviews the arrest log of all new OWI cases, which is maintained by the district attorney. The log identifies the arrested parties by name and charged violation(s). This allows for prompt identification of program participants who have re-offended.

In Kenosha, the length of program participation is largely determined by the time it takes for an individual's case to reach final disposition, which is highly dependent on the court process. The average length of the program is approximately three months from entry into the program until final disposition. Each month, approximately 18 new participants enter the program.

The Kenosha ISP program, via the caseworkers, has daily interaction with the Kenosha County Circuit Court system. Caseworkers submit compliance and non-compliance reports to judges, assistant district attorneys, and defense attorneys daily. At the time of sentencing, everything that the offender has undergone, in terms of AODA treatment, is presented in report form to the judge and district attorney. The same holds true when a defendant has refused to cooperate with the recommended treatment plan.

Defendants are given both the incentive and opportunity to alter their behavior while they are still in the community. Because the objective of the ISP program is to produce lower rates of OWI recidivism and related traffic offenses, the community has a favorable opinion of the program. The daily interaction with the judicial system has given the courts greater assurance that any pretrial misconduct will be detected and that the individual's efforts to address his/her substance abuse problems will be documented. The alcohol-treatment community supports the program by providing their services to clients. They are eager to respond to the needs of clients and recommendations following an assessment are made within 48 hours. They further demonstrate support for the program by sending letters to state legislators affirming the value of the program to the offenders and the community.

## **Eau Claire County**

The Eau Claire County ISP program, known locally as the Intoxicated Driver Intervention Program (IDIP), has been administered since its inception in June 1998 by Triniteam, Inc., a non-profit agency. Triniteam also runs the Eau Claire County Treatment Alternative Program (TAP).

The purpose of IDIP is to develop an early intervention program for Eau Claire County that will deter repeat offenders from continuing to drink and drive. This increases public safety, saves jail costs, and aids offenders with chronic alcohol abuse problems in getting the help they need.

Participation in the program is voluntary for 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> offenders. The program is 3-6 months in length, and final sentencing is extended until the offender completes the program. The program allows offenders lowered court costs, fines and jail time if they successfully complete the program. The cost of the program is \$150. If the offender can pay in full within two weeks the cost is only \$120.

In Eau Claire County, a repeat OWI offender is informed of the IDIP program at their initial court appearance. The offender signs a form acknowledging receiving the information, and a copy of that form is forwarded to Triniteam. The offender has three working days in which to contact the Triniteam office to schedule an appointment. Failure to contact Triniteam within three days makes the offender ineligible for IDIP participation.

If the offender has a pending felony at the time of the OWI arrest or if the OWI was associated with a traffic crash in which someone was injured, then they are ineligible to participate in the Eau Claire IDIP program. Offenders who are eligible and interested in the IDIP program meet with a Triniteam case manager and provide history and intake information.

Once an offender enters the IDIP as a program client, they are required to:

- Meet with the case manager at least once a week
- Call in every Monday, Wednesday and Friday to determine if they have been selected for random urinalysis/breath analysis
- Attend a Victim Impact Panel (VIP)
- Complete their community service hours (if any)
- Plead “guilty” or “no contest” when they appear in court on the OWI charge

IDIP clients must follow through with all program requirements or be discharged as non-compliant.

Triniteam case managers assist IDIP clients with their AODA assessment at the 51.42 Board-approved facility, as well as with following through on all treatment recommendations included in their Driver Safety Plan. Case managers coordinate and refer IDIP clients to other community resources that may be of help.

Triniteam staff also coordinates the Victim Impact Panel, which all clients are required to attend. The VIP consists of local victims who have had family members killed by a drunk driver or who themselves have been injured by a drunk driver. The VIP may also include a convicted drunk



driver who killed someone while driving drunk. The panel session is held only for IDIP clients, all of whom receive a breath analysis upon arrival.

When all requirements of the program are completed, the offender is discharged. The court then sentences the offender with a reduced sentence, according to locally established judicial sentencing guidelines that take into account successful IDIP participation. This primarily means a shorter jail term, but for some offenders it also includes slightly lower fines, a shorter license revocation period, and a community service option.

## **Marathon County**

Since its inception in July 1998, the Marathon County Intensive Supervision Program (MCISP) has functioned within Marathon County's Community Corrections Project. ATTIC Correctional Services, Inc. is the service provider. The objectives are to reduce recidivism, alcohol-related motor vehicle crashes, and taxpayer costs associated with prosecution and incarceration.

This program provides services to a larger population than just that of the OWI repeat offender. ATTIC also provides the MCISP pretrial/post-adjudication supervision and services to repeat Operating After Revocation (OAR) and Operating After Suspended (OAS) offenders. The inclusion of OAR and OAS offenders makes the Marathon County program unique among ISP efforts in Wisconsin. The population in the MCISP consists of approximately one-half OWI offenders and approximately one-half OAR/OAS offenders. Approximately one-third of all OAR/OAS offenders referred are also OWI-related.

The program recognizes that there is a group of drivers in the community who are not effectively deterred by public awareness messages and existing legal sanctions. These offenders continue to drive even after their licenses have been revoked or suspended. The MCISP program is designed to intervene and monitor the offender's compliance with judicial orders and to connect the individual with appropriate program/treatment services.

The MCISP population consists of 70% pretrial and 30% post-sentence offenders. Judges, the district attorney's office, the public defender's office, and the Department of Corrections can all refer offenders to the MCISP program. OWI, OAR and OAS offenders enter the program as a condition of bond, on a voluntary basis, as an alternative to revocation, as a deferred entry of judgment or as a post-sentence Electronic Monitoring Program (EMP) participant.

The program averages 25 referrals each month. In Marathon County, individuals must meet certain eligibility requirements to enter the program, including: (1) have one or more prior OWI convictions and/or have two or more prior OAR or OAS convictions; (2) be charged in Marathon County; (3) have no current pending charges for violent offenses; and (4) must be physically/mentally able and demonstrate a willingness to comply with expectations of the program.

After referral, ATTIC Correctional Services follows up with the potential participant at one of the following points:

- At court intake (approximately 70%)
- In conjunction with the EMP program (20%)

- At the pre-trial conference (7%)
- Voluntary (3%)

Once the offender is referred, an initial screening interview is scheduled within seven days. At the interview, an in-depth need/risk assessment is conducted. This includes the following assessment tools: AODA broad-brush assessment, cognitive intervention pre-test, and AODA pre-test.

Once the assessment is completed, an individual treatment program is designed based on the offender's needs and willingness to participate. Participants are assigned to intervention and relapse prevention groups to address AODA issues and Corrective Thinking errors. Breathalyzer/urinalysis testing and appropriate referrals are made to local agencies to provide additional individual and group counseling when needed. ATTIC works in conjunction with Marathon County Justice System, as well as with Mothers Against Drunk Driving for Victim Impact Panels.

The MCISP program provides continued case management services, such as employment assistance, financial budgeting, and court liaison services. On average, participating offenders are in the program for 120 days (pretrial), and then continue in the program as post-sentence offenders for two to nine months. The average length of stay in the program is 167 days. Program length varies based on individual factors, such as identified needs, case status and length of EMP sentences. Post-tests are given at completion of the program to gauge changes in attitudes and beliefs, thinking patterns, and AODA knowledge.

Tracking repeat offenders in the MCISP is done through self-reporting of new offenses, coordination with the EMP case manager and Department of Corrections agents, Wisconsin Circuit Court Access Project, and WisDOT driver record checks.

ATTIC provides one-to-one case management, weekly/daily check-ins, coordination with intervention (outlined above), and progress reports to the Marathon County judicial system. Interaction with the Judicial System is via regular written/verbal communication. The program coordinator attends and assists the DA's Office with program referrals at initial traffic court appearances, which are held weekly.

Marathon County's Intensive Supervision Program has received a positive response from the county judiciary and system stakeholders based on the number of referrals received monthly. The Marathon County Criminal Justice System continues to evaluate the services provided to ensure that the services meet the needs of Marathon County.

## **Waukesha County**

Since its beginning in February 1999, Pretrial Intensive Supervision Program administration and services in Waukesha County have been provided through Wisconsin Correctional Services (WCS), which also operates the ISP programs in Milwaukee and Kenosha Counties. The program began with mandatory participation of third or subsequent offenders. In March 2001, the program was expanded to include mandatory participation of all second or more offenders, which has more than doubled the caseloads. The Waukesha program now has four full-time and one half-time caseworker, in addition to a part-time supervisor. The program receives an average of 60-75 new clients each month and has a current active caseload of 380 clients.

The Waukesha County District Attorney's Office has implemented a Fast Track charging system, whereby all repeat OWI offenders are charged and must appear in court within seven days of arrest. As a condition of bail, all offenders are then ordered to the Intensive Supervision Program and must report to WCS within 24 hours of the initial court hearing, or within 24 hours of release from custody if cash bail was ordered. The district attorney's office now contributes to the funding of the program to accommodate the increased caseloads due to the inclusion of all second OWI offenders.

A caseworker meets with the defendant, completes an intake interview, and orients the individual to the program. At that time, they explain bail conditions and discuss treatment options. All defendants are informed that if convicted, an AODA Driver's Safety Plan assessment and attendance at a Victim Impact Panel will be ordered at sentencing; however, defendants may complete these obligations prior to conviction.

All defendants are required to receive an AODA assessment to ensure referral to the proper treatment level, and in addition, submit to random alcohol/drug screens. The needs assessment examines the defendant's present situation, past juvenile and adult arrest record, work history, family situation, alcohol/substance abuse history and treatment history.

Treatment is not the same for all participants. Some only attend education classes, some receive treatment on an outpatient basis, but some receive residential or inpatient treatment. Everyone is treated based on his or her unique needs. The average time required to complete the program is approximately six months.

Supervision is conducted by requiring the defendant to come into the office twice a week until established in the program and the program fee is paid in full. Contacts are then reduced to once weekly. Random breath tests and drug screens are conducted at office visits. Caseworkers also monitor the defendant's progress in treatment.

Since all repeat offenders are mandated to the program in Waukesha County, recidivism for these repeat offenders is easily tracked if an offender gets rearrested in Waukesha County. WCS is in the process of developing a system for tracking recidivism of Waukesha County participants throughout the United States.

Interaction with the judicial system is done through progress reports filed with the Court at each court appearance, and if any non-compliance occurs the Court is notified immediately. Non-

compliance is defined as continuously missing appointments or having a positive drug screen or breath test. Offenders who are compliant and successfully complete the program receive consideration at sentencing, typically an average reduction of 30 days in their jail sentence.

This program receives tremendous support from the judicial system and alcohol treatment community. The courts review non-compliance reports submitted by the program and may review the bail situation if non-compliance continues. WCS has a collaborative working relationship with the Addiction Resource Council for the Driver's Safety Plan assessments, the local treatment providers, and the Waukesha County Department of Human Services for treatment of indigent clients. WCS is a member of the steering committee and plays an active role in facilitating Victim Impact Panels in Waukesha County.

## **Chippewa County**

The Chippewa County ISP program has been in operation since January 2000. Clients are referred to the program by local police departments and the Chippewa County Sheriff's Departments at the time of arrest. The district attorney's office and judges also make referrals. Clients are accepted into the program anytime between the time of arrest and the first meeting with the judges. The cost of the program is \$100. It is a voluntary program with approximately 90 clients in 2000. There is a full time case manager and a part time data entry person.

Requirements for participation in the program are:

- An extensive intake, which includes personal biography and AODA (Alcohol and Other Drug) history. Clients complete a goal sheet and sign an agreement to follow the components of the program. Releases of information are signed for all agencies that will assist in client's programs since the ISP program considers all information confidential.
- Total abstinence from alcohol/other drugs. If there is a relapse, the next level of care is required in order to remain in the program.
- Attend weekly meetings at the ISP office to ensure that the client is following program components.
- Be involved in AODA assessment and recommended programming.
- Attend monthly meetings that focus on the irreversible consequences of an OWI.

The program was designed for second, third, and fourth time OWI offenders. Beginning in 2002 the program was expanded to include all repeat offenders. Participation in the program usually lasts three to six months, depending on the length of the offender's driver safety plan and whether or not problems arise, such as the inability to remain abstinent. Failure to remain abstinent will require clients to attend a more structured or intense treatment, attend additional meetings, and be tested daily for alcohol/drug use.

If the client meets the requirements of the ISP program, the court will reduce jail time and substitute community service hours. Usually clients will give back to the community between 25 and 200 hours of their time. In 2000, clients gave 3,575 hours in community service, and during the first ten months of 2001, clients gave 4,700 hours in community service.

## **Forest, Vilas and Oneida Counties**

Since February 2000, a single Pretrial Intensive Supervision Program has served repeat OWI offenders in the counties of Forest, Vilas and Oneida (F/V/O). The Human Service Center, which houses the ISP is located in Rhinelander and that poses travel difficulties for some clients. However, the ISP program staff has a good working relationship with the AODA service providers in the three counties, enabling the ISP case managers to provide services closer to the clients.

The Forest County Potawatomi Health and Wellness Center in Crandon and the Family Resource Center in Lac du Flambeau, allow the ISP case manager office space to meet with Native Americans. Koller Behavioral Health Services, with offices in Rhinelander, Crandon, Eagle River and Woodruff also share office space to meet with ISP clients. Case managers typically travel about 200 miles per week to meet with program clients.

After the initial screening, releases of information are signed, a brief AODA assessment is completed, and collateral contacts are made. Collateral contacts are done by telephone or mail. The information gathered by the case manager is shared with the AODA service providers.

Case management includes: telephone calls, individual sessions with the client, staffing with the primary counselor, and attendance at support groups. Referrals are made to outpatient treatment, residential treatment, and mental health treatment.

The F/V/O ISP program has received the support of the judges and district attorneys in all three counties. Prior to sentencing, recommendations are sent to these individuals. Verification of client participation in various elements of the ISP program is also provided in writing by ISP staff to judges, prosecutors, and private attorneys.

A series of Victim Impact Panels began in January 2001. Over the past year, nine different panels have been completed (five in Vilas County and four in Oneida County). The panels have been a very positive aspect of the program and were received with favorable remarks from clients.

The usual length of stay in the ISP program is 7-8 months. This period may be extended depending on the court schedule and programming in which the client is actively involved. The case manager has contact with the client as soon after the arrest as possible. This is critical because the clients seem to be the most motivated and willing to change at that time.

The case manager's commitment includes: attending court sessions, and maintaining contact with legal professionals and treatment providers to assure their understanding of the program.

## **Racine County**

In August 2000, the Racine County Sheriff's Department received funding from WisDOT to begin operating a Pretrial Intensive Supervision Program. Zimmerman Consulting, Inc. administers the program on a daily basis.

The core elements of Racine County's ISP program include:

- Centralized screening, review, and assessment of repeat OWI cases by program caseworkers in coordination with the District Attorney and Courts
- Provision for a period of community supervision of repeat offenders from the time of arrest and charging through final adjudication
- Development and coordination of an array of interventions for the defendant while under community supervision, which may include alcohol/drug abuse treatment, alcohol and drug testing, and coordinated alcohol and other drug abuse (AODA) assessment and evaluation process

The Racine County Court Commissioner orders all defendants charged with second or subsequent OWI to participate in the ISP program. The conditions of bond may also include other requirements, such as curfews, community service, and electronic monitoring. After the initial bond hearing, the defendant and his attorney are given a brochure outlining the ISP program.

Admission to the program consists of an interview with a case manager, who reviews the defendant's criminal history, current case status, and social and family history. The case manager reviews the requirements of the program with the participant and develops a plan of intervention. A urine specimen is collected to test for use of controlled substances, and a breathalyzer test is given to determine breath alcohol concentration.

Participants are expected to comply with all program requirements and their plan of intervention until the final disposition of their case, which generally ranges between three and six months. Specifically, participants are required to comply with the following:

- Attend all scheduled court hearings and appointments
- Cooperate with all program plans according to their plans of intervention, which includes attending AODA meetings or self-help groups
- Abstain from the use of alcohol and illegal drugs
- Be available for random drug and alcohol testing
- Contribute \$150 to the cost of the program (program fee ordered as a condition of the bond)

Once enrolled in the ISP program, an AODA assessment is completed so that a Driver Safety Plan can be developed. Participants are required to pay for this assessment to the appropriate vendor. The case manager uses the results of this assessment to develop a plan of intervention. Program requirements include at least one weekly on-site visit in addition to other in-person, telephone, or collateral contacts. During the weekly on-site visits, the case manager reviews progress, compliance, and activity level. During these sessions, the case manager:

- Collects all attendance slips to verify participant's presence at self-help groups and other required meetings determined in the plan of intervention
- Assesses overall progress
- Updates address, employment status, and other information as necessary
- Conducts alcohol and drug tests

Participants who violate ISP program rules are sanctioned. These sanctions range from an increase in case management contacts to revocation of bail, dependent on the rule violation. Case managers provide written reports to the court detailing program requirements that the defendant complied with and those that were violated.

Any program violation that includes a positive test for alcohol or illegal substances causes a report to be immediately written by the ISP case manager and submitted to the appropriate court. A bond review hearing is scheduled within 2–4 days. The commissioner or judge will determine the appropriate response.

## **Profile of Counties with Pretrial Intensive Supervision Programs<sup>1</sup>**

For a better understanding of the diversity of the ten counties served by ISP programs, this section compares and contrasts the ISP counties with each other and with the state as a whole. For each county with an active ISP program, this section summarizes the number of licensed drivers, vehicle miles of travel, alcohol availability, alcohol-related crashes, and OWI arrests, convictions and adjudicated outcomes.

For purposes of illustration, the ISP counties are shown in chronological order by their start up dates. Since the Forest, Vilas and Oneida Counties ISP program is a joint effort, data for these three counties are shown as a single entry.

### ***Licensed Drivers***

The number of licensed drivers residing in a county can be a contributing factor in the number of alcohol-related traffic crashes and OWI caseload. Wisconsin has over 3.6 million licensed drivers. Approximately 34% of these drivers reside in the ten counties that are operating ISP programs. As shown in Table 2, all of the ten ISP-served counties had a decrease in licensed drivers from 1996 to 2000. Three of these counties experienced greater decreases than the statewide decrease of 1.8%.

<sup>1</sup> All of the facts and figures in this section come from the *2000 Wisconsin Alcohol Traffic Facts Book* or other WisDOT sources.

**TABLE 2: 1996 - 2000 Licensed Drivers**

	1996	1997	1998	1999	2000	% Change
<b>Milwaukee</b>	580,870	562,924	559,928	553,588	532,380	-8.3%
<b>Kenosha</b>	99,080	98,687	100,174	101,079	98,070	-1.0%
<b>Eau Claire</b>	63,851	62,623	63,464	63,663	61,816	-3.2%
<b>Marathon</b>	89,857	89,311	90,246	90,410	89,126	-0.8%
<b>Waukesha</b>	265,091	264,770	268,722	271,484	261,969	-1.2%
<b>Chippewa</b>	42,390	39,190	39,393	39,865	39,280	-7.3%
<b>F/V/O</b>	52,231	52,332	53,153	53,471	52,126	-0.2%
<b>Racine</b>	128,669	127,051	127,923	128,721	126,461	-1.7%
<b>ISP Counties</b>	1,322,039	1,296,888	1,303,003	1,302,281	1,261,228	-4.6%
<b>State Total</b>	3,723,636	3,672,395	3,703,295	3,722,098	3,657,904	-1.8%

### *Vehicle Miles of Travel*

The amount of travel on a county's streets and highways is a measure of exposure that can help explain the county's total number of alcohol-related traffic crashes and OWI caseload.

Wisconsin public roadways carried over 57 billion vehicle miles of travel (VMT) in 2000. About one-third of the state's total VMT occurred in the ten counties that are operating ISP programs.

As shown in Table 3, four of the ten ISP-served counties (Milwaukee, Eau Claire, Marathon, Waukesha) experienced increases in VMT from 1996 to 2000 that were greater than the statewide increase of 8.8% during that time.

**TABLE 3: 1996 - 2000 Annual Vehicle Miles of Travel (in millions)**

	1996	1997	1998	1999	2000	% Change
<b>Milwaukee</b>	6,812.8	7,019.2	7,069.4	7,820.4	7,846.1	+15.2%
<b>Kenosha</b>	1,333.3	1,346.3	1,380.8	1,458.1	1,428.6	+7.1%
<b>Eau Claire</b>	881.9	929.3	996.4	977.5	969.6	+9.9%
<b>Marathon</b>	1,212.9	1,264.3	1,282.4	1,420.6	1,429.2	+17.8%
<b>Waukesha</b>	3,391.8	3,636.2	3,739.5	3,946.2	3,963.0	+16.8%
<b>Chippewa</b>	615.8	620.8	677.1	659.9	669.3	+8.7%
<b>F/V/O</b>	887.2	869.3	918.7	909.0	893.7	+0.7%
<b>Racine</b>	1,546.0	1,575.5	1,624.5	1,643.6	1,613.0	+4.3%
<b>ISP Counties</b>	16,681.7	17,260.9	17,688.8	18,835.3	18,812.5	+12.8%
<b>State Total</b>	52,639.2	53,728.8	56,047.9	56,960.1	57,266.0	+8.8%

### *Alcohol Availability*

The availability of alcohol can be a contributing factor in a county's total number of alcohol-related traffic crashes and OWI caseload. Table 4 summarizes the number and density of liquor licenses issued in the ten ISP-served counties in 2000, as well as the population density. Four of the counties (Chippewa, Forest/Vilas/Oneida) had fewer residents per liquor license than the state average of 328. A total of 4,880 (30%) of the all liquor licenses in Wisconsin were held in the ten ISP-served counties.



**TABLE 4: 2000 Liquor Licenses and Population**

	<b>Liquor Licenses</b>	<b>Population</b>	<b>Square Miles</b>	<b>Population per Liquor License</b>	<b>Population per Square Mile</b>	<b>Liquor Licenses per Square Mile</b>
<b>Milwaukee</b>	2,009	940,164	241	468	3,901	8.3
<b>Kenosha</b>	352	149,577	273	425	548	1.3
<b>Eau Claire</b>	222	93,142	638	420	146	0.3
<b>Marathon</b>	378	125,834	1,559	333	81	0.2
<b>Waukesha</b>	640	360,767	554	564	651	1.2
<b>Chippewa</b>	211	55,195	1,017	262	54	0.2
<b>F/V/O</b>	606	67,833	3,008	112	23	0.2
<b>Racine</b>	462	188,831	334	409	565	1.4
<b>ISP Counties</b>	4,880	1,981,343	7,624	406	260	0.6
<b>State Total</b>	16,367	5,363,665	54,424	328	99	0.3

***Alcohol-Related Traffic Crashes***

Statewide, the number of alcohol-related crashes and the proportion of total crashes that are alcohol-related had been declining until an increase in 2000. As shown in Table 5, similar trends have been experienced in the ten ISP-served counties. However, six of the ten counties (Kenosha, Chippewa, F/V/O and Racine have consistently had higher proportions of alcohol-related crashes than the state as a whole.

**TABLE 5: 1996 - 2000 Alcohol-Related Traffic Crashes**

	<b>Alcohol-Related Crashes</b>					<b>Alcohol-Related Crashes as a % of All Crashes</b>				
	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
<b>Milwaukee</b>	1,336	1,192	1,176	1,016	1,058	5.4%	5.1%	5.1%	4.3%	4.4%
<b>Kenosha</b>	309	330	305	305	325	8.5%	9.3%	8.8%	8.9%	9.5%
<b>Eau Claire</b>	135	132	109	133	134	5.2%	5.7%	4.9%	5.5%	5.5%
<b>Marathon</b>	245	212	230	198	228	6.2%	6.0%	6.6%	5.6%	6.4%
<b>Waukesha</b>	454	389	389	309	420	5.9%	5.1%	5.3%	4.1%	5.6%
<b>Chippewa</b>	101	97	108	108	110	6.5%	7.0%	7.2%	7.7%	7.9%
<b>F/V/O</b>	159	164	171	137	164	8.6%	9.4%	10.3%	7.7%	9.2%
<b>Racine</b>	349	325	315	306	325	7.9%	8.2%	7.6%	7.6%	8.0%
<b>ISP Counties</b>	3,088	2,841	2,802	2,512	2,764	6.2%	6.0%	6.0%	5.2%	5.8%
<b>State Total</b>	9,338	8,627	8,475	8,446	9,096	6.8%	6.6%	6.7%	6.4%	6.9%

### ***Drinking Drivers Involved in Crashes***

Statewide, the number of drinking drivers involved in crashes had been declining since 1996 until an increase in 2000. However, the proportion of drivers involved in crashes who had been drinking has been relatively stable. As shown in Table 6, similar trends have been experienced in the ten ISP-served counties.

**TABLE 6: 1996-2000 Drinking Drivers in Crashes**

	Drinking Drivers in Crashes					Drinking Drivers in Crashes as a % of All Drivers in Crashes				
	1996	1997	1998	1999	2000	1996	1997	1998	1999	2000
<b>Milwaukee</b>	1,309	1,146	1,138	993	1,022	2.7%	2.5%	2.5%	2.1%	2.0%
<b>Kenosha</b>	309	328	297	304	330	4.8%	5.1%	4.7%	4.9%	4.8%
<b>Eau Claire</b>	132	128	106	133	134	2.8%	3.2%	2.7%	3.2%	3.0%
<b>Marathon</b>	243	214	233	201	229	3.9%	4.0%	4.5%	3.6%	4.0%
<b>Waukesha</b>	459	394	391	313	425	3.4%	2.9%	2.9%	2.3%	2.8%
<b>Chippewa</b>	89	105	100	107	111	4.3%	4.8%	4.9%	5.0%	5.4%
<b>F/V/O</b>	162	168	170	135	169	5.7%	6.5%	7.3%	5.4%	6.0%
<b>Racine</b>	343	324	314	304	332	4.2%	4.4%	4.1%	4.0%	4.1%
<b>ISP Counties</b>	3,046	2,807	2,749	2,490	2,752	3.3%	3.2%	3.2%	2.9%	2.9%
<b>State Total</b>	9,381	8,609	8,444	8,491	9,135	4.1%	4.0%	4.0%	3.9%	3.9%

### ***OWI Arrests***

Most OWI arrests are not the result of a traffic crash. Most of them result from a motorist being stopped by a law enforcement officer who has reasonable suspicion that a traffic offense has been committed. Statewide data on OWI arrests are compiled from reports submitted by police agencies to the Wisconsin Department of Administration, Office of Justice Assistance. As shown in Table 7, statewide OWI arrest totals increased slightly from 1996 to 2000, but remarkably different patterns were demonstrated among the ten ISP-served counties during that time.

**TABLE 7: 1996-2000 OWI Arrests**

	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>% Change 1996-2000</b>
<b>Milwaukee</b>	5,573	4,765	4,869	4,464	4,415	-20.7%
<b>Kenosha</b>	636	773	686	763	821	+29.0%
<b>Eau Claire</b>	646	799	763	729	713	+10.4%
<b>Marathon</b>	812	864	776	629	1,255	+54.6%
<b>Waukesha</b>	2,533	2,267	2,228	2,344	2,226	-12.1%
<b>Chippewa</b>	259	295	281	292	291	+12.4%
<b>F/V/O</b>	676	682	807	724	683	+1.0%
<b>Racine</b>	846	901	935	910	941	+11.2%
<b>ISP Counties</b>	11,981	11,346	11,345	10,855	11,345	-5.3%
<b>State Totals</b>	37,662	37,437	37,708	37,548	38,324	+1.7%

### *Adjudicated OWI Cases*

OWI arrests lead to formal action by a prosecuting attorney and a judge. Table 8 summarizes the number of adjudicated OWI cases for 1996-2000, as reported to WisDOT by clerks of court. Statewide adjudicated OWI case totals showed only a small amount of variation from 1996 to 2000, but demonstrated remarkably different patterns among the ten ISP-served counties during that time.

Table 9 summarizes the outcomes of the 38,335 OWI cases that were adjudicated statewide in 2000. Over 88% of all OWI cases resulted in a guilty plea or verdict. Five of the ten counties with ISP programs exceeded the statewide OWI conviction rate.

**TABLE 8: 1996-2000 Adjudicated OWI Citations<sup>2</sup>**

	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>% Change 1996-2000</b>
<b>Milwaukee</b>	4,302	3,996	3,922	3,756	3808	-11.5%
<b>Kenosha</b>	815	927	782	791	978	+20.0%
<b>Eau Claire</b>	775	863	807	812	869	+12.1%
<b>Marathon</b>	858	989	948	747	837	-2.4%
<b>Waukesha</b>	2,696	2,440	2,462	2,389	2595	-3.7%
<b>Chippewa</b>	446	415	380	389	429	-3.8%
<b>F/V/O</b>	747	768	795	699	796	+6.6%
<b>Racine</b>	896	1,029	1,041	1,002	1205	+35.6%
<b>ISP Counties</b>	11,535	11,427	11,137	10,585	11,517	-.2%
<b>State Total</b>	35,373	35,999	35,622	35,190	38,335	+8.4%

<sup>2</sup> These data reflect the year in which the OWI cases reached their final adjudicated outcomes, not the year in which the citations were issued, so these numbers vary somewhat from the OWI arrest data shown in Table 7.

**TABLE 9: 2000 Outcome of Adjudicated OWI Cases**

	<b>Not Guilty</b>	<b>Dismissed</b>	<b>Amended</b>	<b>Guilty</b>	<b>Total Cases</b>	<b>% Guilty</b>
<b>Milwaukee</b>	8	249	79	3,472	3,808	91.2%
<b>Kenosha</b>	0	89	25	864	978	88.3%
<b>Eau Claire</b>	1	95	8	765	869	88.0%
<b>Marathon</b>	1	70	20	746	837	89.1%
<b>Waukesha</b>	4	158	69	2,364	2,595	91.1%
<b>Chippewa</b>	1	38	23	367	429	85.5%
<b>F/V/O</b>	0	100	40	656	796	82.4%
<b>Racine</b>	5	97	45	1,058	1,205	93.9%
<b>ISP Counties</b>	23	422	330	10,175	11,517	92.7%
<b>State Total</b>	82	1,486	1,188	33,794	38,335	88.2%

***OWI Convictions by Driver Age***

Table 10 summarizes 2000 OWI convictions by driver age.<sup>3</sup> Statewide, over half (56%) of the drivers convicted of OWI in 2000 were between the ages of 25 and 44. A similar pattern existed in each of the ten ISP-served counties.

**TABLE 10: 2000 OWI Convictions by Driver Age at Time of Violation**

	<b>18 &amp; Under</b>	<b>19-20</b>	<b>21-24</b>	<b>25-34</b>	<b>35-44</b>	<b>45-54</b>	<b>55-64</b>	<b>65 &amp; Over</b>	<b>Total</b>
<b>Milwaukee</b>	82	174	421	911	917	434	120	53	3,112
<b>Kenosha</b>	28	33	101	216	220	93	24	7	722
<b>Eau Claire</b>	26	63	156	202	131	60	25	3	666
<b>Marathon</b>	23	39	138	212	169	84	28	10	703
<b>Waukesha</b>	67	119	364	610	568	250	74	30	2,082
<b>Chippewa</b>	12	22	45	80	86	53	5	3	306
<b>F/V/O</b>	26	28	76	162	190	79	28	13	602
<b>Racine</b>	35	49	141	260	282	117	45	11	940
<b>ISP Counties</b>	299	527	1,442	2,653	2,563	1,170	349	130	9,133
<b>State Total</b>	1,097	2,009	5,238	8,855	8,346	3,637	1,028	382	30,592

<sup>3</sup> The number of OWI cases resulting in a guilty plea or verdict in Table 10 do not match the number of OWI convictions shown in Table 9 because the data were drawn from two different computer files at different times of the year; adjudicated OWI data (Table 9) are from a file that is updated monthly, while driver age data is from a file that is updated only twice a year.

## ***OWI Convictions by Repeat Offender Status***

Table 11 illustrates the magnitude of the repeat OWI problem in the ten ISP counties and statewide. More than one-third (35.9%) of the 2000 OWI convictions in Wisconsin went to repeat offenders. This was a considerable increase over the 1998 rate of 27.2%, primarily reflecting a new state law that as of 1/1/99 required the first prior OWI conviction to remain on record and be counted up to ten years (for purposes of defining a 2nd offender) and required a second or subsequent prior OWI conviction to remain on record and be counted for a person's lifetime.<sup>4</sup> The statewide repeat offender rate was exceeded in six of the ten ISP counties (Eau Claire, Marathon, Chippewa, Forest/Vilas/Oneida

**TABLE 11: 2000 OWI Convictions by Violation County and Repeat Offender Status**

	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup> – 13 <sup>th</sup>	Total	% Repeat Offenders
<b>Milwaukee</b>	2,138	566	265	95	30	11	5	1	1	3,112	31.3%
<b>Kenosha</b>	499	155	47	16	3	2	0	0	0	722	30.9%
<b>Eau Claire</b>	411	151	62	28	7	4	2	0	1	666	38.3%
<b>Marathon</b>	443	145	67	37	10	1	0	0	0	703	37.0%
<b>Waukesha</b>	1,385	394	182	82	30	5	1	3	0	2,082	33.5%
<b>Chippewa</b>	178	63	34	16	5	5	3	2	0	306	41.8%
<b>F/V/O</b>	348	142	72	27	7	4	2	0	0	602	42.2%
<b>Racine</b>	670	157	76	23	11	2	1	0	0	940	28.7%
<b>ISP Counties</b>	6,072	1,773	805	324	103	34	14	6	2	9,133	33.5%
<b>State Total</b>	19,618	6,081	2,990	1,211	435	155	63	24	15	30,592	35.9%

## ***Resident Drivers by Repeat OWI Offender Status***

As shown in Table 12, as of 1/1/01, over 293,000 Wisconsin drivers had at least one prior OWI conviction on their driving record (dating from 1/1/90 for persons with one or two prior OWI convictions and from 1/1/89 for drivers with three or more prior convictions). Most of these drivers (234,826) had only one prior OWI conviction and would become repeat offenders on their next conviction. The remaining 20.1% (over 58,931 drivers) were already repeat offenders. The resident driver population in six of the ten ISP-served counties (Eau Claire, Marathon, Chippewa, Forest/Vilas/Oneida exceeded the statewide repeat OWI offender rate.

<sup>4</sup> WisDOT driver history records on prior OWI convictions only go back to 1/1/89 for purposes of "lifetime" record-keeping.

**TABLE 12: Resident Drivers with One or More Prior OWI Convictions**  
(during 1990-00 for persons with 1 or 2 convictions, 1989-00 for persons with 3 or more)

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9 – 13</b>	<b>Total Drivers</b>	<b>% Repeat Offenders</b>
<b>Milwaukee</b>	33,127	4,324	1,963	582	165	66	23	9	6	40,265	17.7%
<b>Kenosha</b>	6,065	871	405	94	21	14	5	0	1	7,476	18.9%
<b>Eau Claire</b>	4,079	728	370	129	50	14	6	3	1	5,380	24.2%
<b>Marathon</b>	4,956	776	429	149	42	7	4	0	0	6,363	22.1%
<b>Waukesha</b>	13,152	1,825	895	266	101	35	12	3	2	16,291	19.3%
<b>Chippewa</b>	2,387	437	189	60	19	15	3	2	1	3,113	23.3%
<b>F/V/O</b>	3,431	687	323	96	26	11	8	0	2	4,584	25.2%
<b>Racine</b>	7,627	1,059	482	133	45	7	0	2	0	9,355	18.5%
<b>ISP Counties</b>	74,824	10,707	5,056	1,509	469	169	61	19	13	92,827	19.4%
<b>State Total</b>	234,826	34,435	16,708	5,250	1,666	557	205	63	47	293,757	20.1%

### **Demographic Profile of Intensive Supervision Program Participants**

Additional information collected and submitted to WisDOT by the ISP program counties for 2000 demonstrates the similarity of participants involved in the various ISP programs.

## *Age of ISP Participants*

Table 13 summarizes the OWI defendants who were eligible for ISP program participation in each county in 2000 by age at the time that the offender made their initial court appearance. The average age of program participants in Marathon County (30) was much younger than the other counties, probably due to the fact that this was the only county that allowed OAR and OAS offenders to participate.

**TABLE 13: 2000 ISP Program Participation by Age**

	Milwaukee		Kenosha		Eau Claire		Marathon		Waukesha	
	#	Pct	#	Pct	#	Pct	#	Pct	#	Pct
<b>≤ 20</b>	10	1.1%	12	4.7%	1	1.1%	38	15.1%	0	0.0%
<b>21-24</b>	53	6.0%	17	6.6%	13	14.1%	58	23.0%	7	2.3%
<b>25-29</b>	124	14.0%	26	10.2%	18	19.6%	47	18.7%	30	9.9%
<b>30-34</b>	136	15.4%	39	15.2%	13	14.1%	38	15.1%	63	20.8%
<b>35-44</b>	354	40.0%	92	35.9%	23	25.0%	49	19.4%	116	38.3%
<b>45-54</b>	154	17.4%	51	19.2%	14	15.2%	17	6.7%	62	20.5%
<b>55+</b>	52	5.9%	19	7.4%	10	10.9%	5	2.0%	20	6.6%
<b>Unknown</b>	164	0.0%	0	0.0%	-	0.0%	0	0.0%	5	1.7%
<b>Total</b>	1047		256		92		252		303	
<b>Median Age</b>	38		38		37		30		39	

	Chippewa		F/V/O		Racine	
	#	Pct	#	Pct	#	Pct
<b>≤ 20</b>	0	0.0%	1	1.5%	0	0.0%
<b>21-24</b>	8	8.5%	5	7.5%	5	1.6%
<b>25-29</b>	20	21.3%	3	4.5%	72	23.7%
<b>30-34</b>	20	21.3%	9	13.4%	40	13.2%
<b>35-44</b>	33	35.1%	36	53.7%	112	36.9%
<b>45-54</b>	9	9.6%	6	8.9%	61	20.0%
<b>55+</b>	4	4.3%	7	10.4%	14	4.6%
<b>Unknown</b>	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	94		67		304	
<b>Median Age</b>	36		41		38	

### *Gender of ISP Participants*

Statewide, four out of five (81%) of all drivers convicted of OWI in 2000 were male. Likewise, the number of males participating in most ISP programs far exceeded the number of female participants. Table 14 provides the gender breakdown of ISP program participants.

**TABLE 14: 2000 ISP Program Participation by Gender**

	<b>Male</b>	<b>Female</b>	<b>Unknown</b>
<b>Milwaukee</b>	563	89	395
<b>Kenosha</b>	203	53	0
<b>Eau Claire</b>	77	15	0
<b>Marathon</b>	211	41	0
<b>Waukesha</b>	268	35	0
<b>Chippewa</b>	78	16	0
<b>F/V/O</b>	50	17	0
<b>Racine</b>	261	35	8
<b>ISP County Total</b>	1711	301	403

### *Education of ISP Participants*

As shown in Table 15, less than half of the ISP program participants in 2000 had any formal education beyond high school. However, the data are relatively incomplete.

**TABLE 15: 2000 ISP Program Participation by Educational Achievement**

	<b>Less than HS</b>	<b>HS Graduate</b>	<b>GED<sup>5</sup></b>	<b>Some College or Tech School<sup>6</sup></b>	<b>College Graduate</b>	<b>Unknown</b>
<b>Milwaukee</b>	176	333	71	284	-	183
<b>Kenosha</b>	80	90	17	41	-	28
<b>Eau Claire</b>	10	27	-	42	13	-
<b>Marathon</b>	85	123	13	25	6	-
<b>Waukesha</b>	53	118	36	92	-	4
<b>Chippewa</b>	10	55	12	13	4	-
<b>F/V/O<sup>7</sup></b>	NA	NA	NA	NA	NA	NA
<b>Racine</b>	66	156	14	52	16	-
<b>ISP County Total</b>	480	902	163	549	39	215

<sup>5</sup> Eau Claire and Marathon did not collect separate information on GED.

<sup>6</sup> Milwaukee, Kenosha and Waukesha did not differentiate between those who had some college or tech school and those who graduated.

<sup>7</sup> F/V/O do not collect information on the education achievement of their clients.



### ***Marital Status of ISP Participants***

As shown in Table 16, most ISP program participants in 2000 for whom marital status was known were “Never Married”, but the data are relatively incomplete.

**TABLE 16: 2000 ISP Program Participation by Marital Status**

	<b>Divorced</b>	<b>Never Married</b>	<b>Married</b>	<b>Widowed</b>	<b>Separated</b>	<b>Unknown</b>
<b>Milwaukee</b>	218	436	165	9	34	185
<b>Kenosha</b>	52	109	57	2	7	29
<b>Eau Claire</b>	17	52	19	-	4	-
<b>Marathon</b>	50	140	55	2	5	-
<b>Waukesha</b>	90	117	77	3	11	5
<b>Chippewa</b>	27	44	21	1	1	-
<b>F/V/O</b>	17	34	15	0	1	-
<b>Racine</b>	NA	NA	NA	NA	NA	NA
<b>ISP County Total</b>	471	932	409	17	63	219

### **Recidivism by Intensive Supervision Program Participants**

Under Wisconsin Statutes 85.53(4)(a), WisDOT is required to provide information to the legislature that addresses five questions, as follows:

***Question #1: How many individuals were arrested for a 2<sup>nd</sup> or subsequent offense of operating while intoxicated?***

Currently there is no statewide data source that tabulates arrests for second and subsequent OWI offenses. The OWI arrest data available for analysis is limited to:

- Office of Justice Assistance arrest data, which provides the number of OWI arrests reported to the agency by local law enforcement agencies, but which does not indicate whether the person arrested, if convicted, would be a repeat offender.
- WisDOT Driver Record File information, which provides the number of OWI convictions on record (since 1/1/89) for each driver, but which does not record the prior OWI arrests that resulted in a dismissal, amendment, or finding of not guilty.

***Question #2: How many individuals completed a local pretrial intoxicated driver intervention program?***

Table 17 summarizes the status of ISP program participants for the ten counties with active ISP programs in December 2000, as reported to WisDOT. This is the most recent and complete data available.

**TABLE 17: December 2000 ISP Program Participation and Status**

	Eligible Defendant <sup>8</sup>	Participants	Participant Status			
			Pending or Unknown <sup>9</sup>	Drop-Out or Non-Compliant	Current	Completed
<b>Milwaukee</b>	NA	1047	--	151	234	662
<b>Kenosha</b>	NA	256	--	30	64	162
<b>Eau Claire</b>	266	92	--	29	35	63
<b>Marathon a<sup>10</sup></b>	323	136	NA	4	46	86
<b>Marathon b<sup>10</sup></b>	NA	116	NA	51	35	30
<b>Waukesha</b>	303	303	NA	27	139	137
<b>Chippewa</b>	131	94	--	24	53	54
<b>F/V/O</b>	NA	67	--	20	--	47
<b>Racine</b>	304	304	--	13	145	146
<b>ISP County Totals</b>	1,327	2,415	--	349	751	1,387

***Question #3: What percentage of individuals who commence a program successfully complete their program?***

Table 18 summarizes the program completion rates for the ten counties with active ISP programs in December 2000, as reported to WisDOT. This is the most recent program completion data available. Collectively, almost 80% completed their programs.

**TABLE 18: December 2000 Successful and Unsuccessful Program Completion**

	Successful Completion	Drop-Out/ Non-Compliant	Completion %	
			Successful	Unsuccessful
<b>Milwaukee</b>	662	151	81.4%	18.6%
<b>Kenosha</b>	162	30	84.4%	15.6%
<b>Eau Claire</b>	63	29	68.5%	31.5%
<b>Marathon(a)<sup>10</sup></b>	86	4	95.6%	4.4%
<b>Marathon (b)<sup>10</sup></b>	30	51	37.0%	63.0%
<b>Waukesha</b>	137	27	83.5%	16.5%
<b>Chippewa</b>	54	24	69.2%	30.8%
<b>F/V/O</b>	47	20	70.1%	29.9%
<b>Racine</b>	146	13	91.8%	8.2%
<b>ISP County Total</b>	1,387	349	79.9%	20.1%

<sup>8</sup> Neither the number of OWI arrests nor the number of eligible participants are collected or tracked in Milwaukee, Kenosha, and F/V/O Counties, so how many eligible individuals did not participate is unknown.

<sup>9</sup> These individuals were identified as participation pending or not identified as either participating or not participating in the final report to WisDOT in December, 2001.

<sup>10</sup> Marathon County provides services to repeat OWI, OAR & OAS offenders. (a)= OWI participants (b)=OAR/OAS participants

***Question #4: How many individuals who, after completing a program, are re-arrested for a 3<sup>rd</sup> or subsequent offense of operating while intoxicated?***

For long-term analysis of OWI recidivism rates, WisDOT staff identified 200 drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in July-December 1998 in the four counties that had active ISP programs at that time. Table 19a summarizes the OWI re-arrest experience of these drivers. As of 12/1/01, about one in six (17%) had been rearrested (and convicted) of OWI, and only 1.5% had been re-arrested (and convicted) more than once.

**TABLE 19a: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 1998 and Who Did Complete an ISP Program<sup>11</sup>**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Milwaukee</b>	129	15	11.6%	571	2	1.6%	89
<b>Kenosha</b>	39	10	25.6%	454	0	0%	--
<b>Eau Claire</b>	18	5	27.8%	652	1	5.6%	706
<b>Marathon<sup>12</sup></b>	14	4	28.6%	625	0	0%	--
<b>4-County Total</b>	200	34	17.0%	555 days	3	1.5%	295 days

Table 19b summarizes the OWI re-arrest experience of drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in April-December 1999 in Waukesha County. [It is necessary to have two separate tables due to the different time frames referenced.] As of 12/1/01, about one in six (16.6%) had been rearrested (and convicted) of OWI, and 2.9% had been re-arrested (and convicted) more than once.

**TABLE 19b: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in April-December 1999 and Who Did Complete an ISP Program**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Waukesha</b>	276	46	16.6%	290	8	2.9%	258

<sup>11</sup> Recidivism for this analysis means re-arrested and convicted of a third or subsequent OWI by 12/1/01.

<sup>12</sup> Only repeat OWI offenders who participated in the Marathon County ISP program were included in this cohort for analysis; repeat OAR and OAS offenders were not included.

***Question #5: How many individuals eligible to participate in a program who did not complete a program and who, after becoming eligible to participate in the program, are arrested for a 3<sup>rd</sup> or subsequent offense of operating while intoxicated?***

WisDOT staff identified a group of 219 drivers who were arrested for a second or subsequent OWI offense in July-December 1998 in the four counties that had active ISP programs at that time, but who did NOT participate in an ISP program. Their reasons for non-participation are unknown, but most likely these individuals simply did not meet the eligibility criteria defined by each county's ISP program provider.

Table 20 summarizes the OWI re-arrest experience of these drivers. As of 12/1/01, nearly one in four (22.8%) had been rearrested (and convicted) of OWI, and 4.1% had more than one OWI re-arrest (and conviction). Waukesha County is not included in the Did Not participate chart because their program is mandatory for repeat drunk drivers.

**TABLE 20: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 1998 and Who Did NOT Participate in an ISP Program<sup>13</sup>**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Milwaukee</b>	121	29	24.0%	266	5	4.1%	176
<b>Kenosha</b>	24	5	20.8%	244	4	16.7%	357
<b>Eau Claire</b>	38	7	18.4%	142	0	0%	--
<b>Marathon<sup>14</sup></b>	36	9	25.0%	532	0	0%	--
<b>4-County Total</b>	219	50	22.8%	294 days	9	4.1%	256 days

A comparison of the recidivism data shown in Tables 19a and 20a reveals the following:

- Repeat OWI offenders who successfully completed an ISP program were less likely to be re-arrested for OWI than were repeat offenders who did not participate in an ISP program. Collectively, the successful ISP participants were about one-fourth (17% versus 22.8%) less likely to be re-arrested.
- For the 34 repeat OWI offenders who successfully completed an ISP program and were re-arrested once for OWI, the average elapsed time (from their previous OWI arrest) was longer than for the 50 repeat offenders who did not participate in an ISP program. Collectively, the difference was nearly 90% longer (555 days versus 294 days).
- Repeat OWI offenders who successfully completed an ISP program were less likely to be re-arrested more than once for OWI than were repeat offenders who did not participate in an ISP program. Collectively, repeat offenders who did not participate in an ISP program were more than twice as likely to be re-arrested more than once for OWI (4.1% versus 1.5%) than offenders who successfully completed their ISP program.

<sup>13</sup> Recidivism for this analysis means re-arrested and convicted of a third or subsequent OWI by 12/1/01.

<sup>14</sup> Only repeat OWI offenders in Marathon County were included in this group for analysis.